

Clinical Laboratory Personnel Committee
July 20, 2019 – 10:30 AM
Law Offices of Adams and Reese
Baton Rouge LA

Members Present: Cheryl Caskey; Beverly Ogden, MD; George Roberts; Yolanda Bennett; Angela Foley; Ashley Ware; Morteza Vaziri; Gaye Brunson; Larry Broussard; and Shannon Skena

Guests Present: Grant Guillot (Adams and Reese); Patsy Jarreau, AD, CLPC; Josie Roberts; Alexa Little (CLIA); Cary Koch (AAB attorney); Paula Pigford (LSBME); Kimberly Boudreaux (Adams and Reese); and Dr. Vincent Culotta (LSBME)

I. Call to Order

Meeting called to order at approximately 10:02 AM by Chair Caskey. A quorum was present.

Ms. Jarreau asked that we renumber the agenda items by splitting XIV. Executive Session and Meeting agenda deadline into two separate items and renumbering the agenda items. There was no objection.

Dr. Culotta mentioned that the action items from the March meeting of the LSBME Board were not addressed due to Hurricane Barry which resulted in cancellation of that scheduled meeting. Items will be considered at the August 12, 2019, meeting.

II. Minutes of the Last Meeting

A motion to approve the minutes of the March 23, 2019 meeting as presented was accepted.

Motion by Beverly Ogden
Seconded by Angela Foley
Motion passed unanimously

III. Introductions

Each committee member and visitor introduced himself/herself to the group and stated in what capacity they served the committee. Ms. Alexa Little was present as a consultant from CLIA. Mr. Cary Koch was present to represent AAB. Josie Roberts was present as a member of LSCLS. Dr. Vincent Culotta and Ms. Paula Pigford were present as representatives of LSBME. Mr. Grant Guillott (Adams and Reese) introduced Ms. Kimberly Ulasiewicz Boudreaux and stated that she would be replacing him as the Adams and Reese attorney to the CLPC.

IV. Appointments

Ms. Jarreau stated that terms of appointment to the CLPC may extend for two (2) legislative sessions past the expiration date for the appointed position.

There has still been no action to appoint anyone to serve in the rural family practitioner position. Dr. Richard Bridges is interested in serving. Dr. Culotta will contact Dr. Bridges.

Dr. Roberts' position as the educator on the CLPC expired in December of 2018. Ms. Jarreau stated that she believed that the Governor's Office had received a nomination for an individual to fill this position and would follow up.

Chair Caskey's position as the CLS-Generalist who has been employed in a supervisory or administrative capacity expires in September. Ms. Jarreau stated that she believed the Governor's Office had received a nomination for that position also and would follow up.

There was a discussion regarding appointed individuals who are not attending meetings. A motion followed to authorize Dr. Culotta to check the rules (Louisiana Revised Statute # 37?) regarding attendance requirements and contact the individual(s) who has/have attended no meetings and ask if they will voluntarily submit a letter of resignation. If they refuse to resign, the Board will take action to replace them.

Motion by Angela Foley
Second by Gaye Brunson
Motion passed unanimously

V. Office Update

Ms. Jarreau and Dr. Culotta reminded committee members that LSBME Board minutes are posted on the LSBME website, and that committee members should review them to see what pertains to the CLPC prior to each meeting.

Ms. Jarreau and Dr. Culotta also talked about the new software being instituted which will handle the continuing education portion of the renewal process. The program comes from CE Broker. CE Broker will work with the CLPC-approved national organizations which provide CE for their members to establish a network whereby those approved national providers will automatically provide CE Broker with a list of programs successfully completed by individual attendees. Individual licensees will be notified periodically during the year of the number of units successfully completed at that point and how many additional units will be required to successfully complete the license renewal process. Use of CE Broker will require individual licensees to establish their own personal dash board for this process and will incur a minimal administrative charge. Also see XVI Other Business.

VI. New Administrator for Boards and Commissions

Ms. Jarreau stated that Ms. Roz Moore is the new administrator for Boards and Commissions in the Governor's office.

VII. Elections

Per Louisiana Revised Statute 37, the chair and secretary positions of the CLPC are to be elected annually. This is the meeting for that election.

Chair Caskey opened the floor for nominations for Chair.

Gaye Brunson was nominated by George Roberts

Nomination seconded by Morteza Vaziri

There were no additional nominees or volunteers from the floor.

Motion by Angela Foley and second by George Roberts to accept nominee

Following a unanimous vote by the committee members, Ms. Brunson was named Chair for 2019-2020.

Chair Caskey opened the floor for nominations for Secretary.

Angela Foley was nominated by Gaye Brunson

Nomination seconded by Larry Broussard

There were no additional nominees or volunteers from the floor

Motion by Gaye Brunson and second by Beverly Ogden to accept nominee

Following a unanimous vote by committee members, Ms. Foley was named secretary for 2019-2020.

VIII. Skin Testing

The LSBME Board has asked that a member of the CLPC be present to address the Board regarding the CLPC's position and recommendation regarding skin testing. Following a discussion, Dr. Ogden agreed to represent the CLPC at the LSBME Board meeting which is scheduled for Monday, August, 12, 2019.

It was reiterated that skin testing is NOT a lab test under CLIA. Ms. Little (CLIA Consultant) also stated that there is no guidance in the CLIA rules to specifically allow or disallow clinical laboratory personnel to perform/interpret skin testing. Therefore, there is no penalty since skin testing is not regulated under licensure.

IX. Licensure for Grossing Tissue Specimens (Histotechnologists, Histotechnicians)

Dr. Ogden stated that grossing tissue specimens is not a part of the training program for histotechnologists/histotechnicians. They would be allowed to describe but not manipulate/cut the specimens. This is a high complexity procedure per CLIA and CAP. Board certified Pathologist Assistants and Pathologists are the only individuals qualified to perform grossing. If a pathologist is on site in office and delegates grossing to histotechnologists/histotechnicians, those individuals must be licensed or possess specified didactic/clinical criteria to perform high complexity testing per CLIA since grossing is a high complexity test. CLIA prevails which means that the individual performing grossing must meet the educational standards for high complexity testing.

It was suggested that the CLPC might wish to consider revising the Rules to include histotechnologists/histotechnicians under the current licensure law. Dr. Culotta believes that this can be done via a rule change rather than a change to the law. The CLPC also believes that this action might be in the best interest of the public in Louisiana since the law has a major goal to improve the health, safety, and welfare of the public.

Dr. Ogden will report back to CLPC at the next meeting after speaking with pathologist colleagues.

X. Licensure of Out-Of-State Lab Directors

The Legislative Auditor is responsible for overseeing the activities of the appointed boards and commissions and conducts periodic audits. The Legislative Auditor, as a part of the audit process, has indicated that the CLPC/LSBME needs to address the question of licensure of out-of-state lab directors via the rule-making process.

Additionally, the Legislative Auditor is reviewing the contract with LSU to provide CE for licensees.

The Legislative Auditor has also raised additional questions in past audits that have been successfully addressed.

XI. Appeals

Dr. Creswell and Dr. Culotta asked if the CLPC would want to participate in disciplinary actions. When activities requiring possible disciplinary action are discovered, the LSBME Investigative Division (ID) investigates the issue and if ID feels that licensure would possibly be a threat to the health, safety, and welfare of the public, the offender is notified and given the opportunity to meet with the investigators to understand the findings. These offending individuals are given the opportunity to appeal the decision and can request to come before the CLPC to present their case. Proposed disciplinary actions are sent to the CLPC by the ID for consideration and discussion in executive session. CLPC makes recommendation to the LSBME Board and the Board (LSBME) takes action.

The LSBME Board wants CLPC to be available to licensees who choose to appeal their cases so that the case is adjudicated by individuals from their own group of peers. If peer input is needed, the licensure process may be prolonged.

If the CLPC wishes to participate in the disciplinary process to this extent, this action would need to be addressed during the comprehensive revision of the rules. The Legislative Auditor wants the CLPC and LSBME to make every effort to license offenders and get the offenders into work force in as timely a manner as possible.

The question also needs to be addressed as to how to deal with offenders who are less than receptive to reasonable corrective measures.

XII. Fines for Working Without a License

Ms. Jarreau stated that the same process for levying fines for working without a license is used by the DI for all licensees. The fine for working without a license for one year is equivalent to an amount equal to two (2) times the licensure fee and a penalty of up to a maximum of \$500. The individual must also sign a consent order to reprimand for working without a license.

XIII. Felony Arrests for Applicants and Licensees

This topic will be addressed by the working group that will meet this fall to comprehensively revise the rules. LSBME has led the charge and completed this activity for OT and RESP professions. The working group can possibly use some of the language from those professional documents to help with that for CLP.

Dr. Culotta asked for volunteers to serve as part of this working group who could meet in New Orleans to complete a comprehensive revision of the rules. He stated that the meeting should take approximately 2.5 – 4.0 hours. The suggested revisions will be submitted to the CLPC at the next scheduled meeting.

Individuals who will make up this working group include: Dr. Culotta, Gaye Brunson, Cheryl Caskey, Angela Foley, Shannon Skena, Patsy Jarreau, and Kimberly Boudreaux. Individuals who have copies of changes made to the Rules in previous meetings should bring those documents to aid in discussion and revision.

XIV. Meeting Agenda Deadline

AAB has requested that the deadline for posting the CLPC meeting agenda deadline be moved from the 24 hours required in the Public Meetings Law to 5-7 days to allow earlier notice to individuals who might like to be present.

There was no motion and no action taken.

XV. Executive Session

Motion by Gaye Brunson to enter executive session
Seconded by George Roberts
Motion passed unanimously

Ms. Pigford presented the following five (5) investigative reports to the CLPC for consideration:

- I. No case number listed (2018-769) – phlebotomist with a DUI
Action: Suspend license (certificate) pending resolution and flag for renewal.
- II. No case number listed (2019-13) – phlebotomist with a DUI
Action: Agree with recommendation from Ms. Pigford.
- III. Case 2019-208 – CLS-TCH
Action: Continue 3-year monitoring agreement while working. If fails to meet requirements, license will be subject to further disciplinary action.

- IV. Case 2019-580 – CLP – Application in Progress/Temporary Permit Issued
Action: Take no action pending receipt of District Attorney’s letter and continue licensing process.
- V. Case 2019-416 – CLP Application in Progress/Temporary Permit Issued
Action: Close case with no cause for action.

Motion by Beverly Ogden to adjourn executive session and return to regular meeting
Seconded by Morteza Vaziri
Motion passed unanimously

Motion by Beverly Ogden to accept above actions from executive session
Seconded by George Roberts
Motion passed unanimously

XVI. Other Business

Dr. Culotta pointed out that CE Broker will utilize the list of nationally approved organizations presented to them by the CLPC and LSBME. Ms. Jarreau will obtain a list from Dr. Culotta of the current organizations that CE Broker is affiliated with and provide them to the working group. The working group will come p with a list of other organizations that should be included as approve CE providers. The working group requests input from CLPC regarding list of possible organizations that need to be included. Approved units from a number of providers were mentioned by the CLPC members. The following list is incomplete and needs to be refined (note question marks):

PACE

ASCP

AMT/AMTIE

AACC/Accent

American Association of Bioanalysts - Ashley Ware will check on this and report back

CDC

American Society for Cytotechnology - Dr. Ogden will verify name of organization(s)

American Society for Histotechnology

American Society for Histocompatibility and Immunogenetics (ASHI)

American Association of Blood Banks approved units

Association of Genetic Technologists/Cytogenetics approved units

American Society for Microbiology ASM

American Society of Phlebotomy Technicians

National Phlebotomy Association

American Certification Agency for Healthcare Professionals

National Center for Competency Testing

National Healthcareer Association
National Center for Competency Testing
International Academy of Phlebotomy Sciences
American Board of Immunology
American Board of Forensic Toxicology
Clinical Laboratory Management Association (CLMA)
Other approved providers

XVII. Proposed Meeting Dates

Meeting date previously set for November 2, 2019. Ms. Jarreau will send out Doodle poll to determine if this date is still viable for committee members.

XVIII. Adjourn

Motion to adjourn by Beverly Ogden
Seconded by Gaye Brunson
Motion approved unanimously
Meeting adjourned at 1:30 PM

Submitted by George Roberts, Secretary CLPC
07-22-2019